

Chapter 19-04  
Rules and Regulations of the  
Department of Development and Environmental Services

Separate Lot

Effective Date: November 12, 1992

Document No. \_\_\_\_\_

Amended: April 20, 1995

August 6, 1998 (Emergency)

October 30, 1998

March 18, 1999 (Emergency)

June 16, 1999

## Sections:

19-04-001 Purpose

19-04-002 Definition, Separate Lot

19-04-003 Evidence of Separate Lot

19-04-004 Severability

**19-04-001 Purpose.** It is the purpose of these rules to implement the provisions of K.C.C. 19.04 (~~and 19.26~~) and to further define the meaning of a "separate lot."

**19-04-002 Definition, Separate Lot.** For the purposes of further defining "separate lot" contained in K.C.C. chapter 19.04, a lot "created in compliance with the subdivision or short subdivision laws in effect at the time of creation of the lot" shall mean the following:

A. (~~for lots created by subdivisions: a lot created on any date by a recorded subdivision;~~) a lot created by recorded subdivision on or after June 9, 1937;

B. for lots created by (~~short subdivisions~~) the division of land into four or fewer lots:

1. (~~a lot created on any date by a recorded short subdivision~~) a lot created after July 1, 1974 by a recorded short subdivision;

2. a lot created by short subdivision with King County approval from October 1, 1972 to July 1, 1974; or

3. a lot created (~~prior to~~) by a division of land into four or fewer lots from June 9, 1937 to October 1, 1972; or

Separate Lot

Page 2

Effective Date: November 12, 1992

Document No. \_\_\_\_\_

Amended: April 20, 1995August 6, 1998 (Emergency)October 30, 1998March 18, 1999 (Emergency)June 16, 1999

C. for lots created by (~~other~~) means other than A or B above:

1. (~~a lot created prior to June 9, 1937~~) a lot created prior to June 9, 1937, if the lot: (a) contains a habitable residence or permanent commercial structure; or (b) is currently served by roads and has either current letters of water and sewer availability or Health Department approval for water supply and sewage disposal; or (c) has been individually described and conveyed to separate, noncontiguous ownership prior to March 18, 1999;

2. a lot created from September 3, 1948 to August 11, 1969 for agricultural purposes, in parcels of more than ten (~~(+10+)~~) acres, as defined by K.C.C. 19.04.400, not involving any new street or easement of access;

3. a lot created on or after August 11, 1969 for cemeteries or other burial plots while used for that purpose;

4. a lot created from August 11, 1969 to October 1, 1972 where none of the lots which were part of the division were smaller than five (~~(+5+)~~) acres, as defined by K.C.C. 19.04.060, and did not contain a dedication;

5. a lot created from August 11, 1969 to July 1, 1974 upon court order;

6. a lot created after August 10, 1969 by testamentary provisions or the laws of descent;

7. a lot created after August 10, 1969 as a result of an assessor's plat made in accordance with RCW 58.18.010;

8. a lot created after September 30, 1972 where none of the lots which were part of the division were smaller than twenty (~~(+20+)~~) acres, as defined by K.C.C. 19.04.070;

9. a lot created after April 3, 1977 as a result of deeding land to a public body, except that any remaining

Separate Lot

Page 3

Effective Date: November 12, 1992

Document No. \_\_\_\_\_

Amended: April 20, 1995August 6, 1998 (Emergency)October 30, 1998March 18, 1999 (Emergency)June 16, 1999

lot which was not consistent with King County zoning, access or health requirements then in effect shall not be considered a separate lot by the county;

10. a lot created from April 4, 1977 to August 17, 1990 to implement a current use taxation agreement with the county pursuant to RCW 84.34, except that abrogation of such agreement may be grounds for requiring subdivision or short subdivision of that land;

11. a lot ~~created~~ adjusted after April 3, 1977 ~~for the purpose as part of~~ an approved alteration by adjusting boundary lines, between platted or unplatted lots or both, which did not create any lot, tract, parcel, site or division containing insufficient area and dimension to meet minimum requirements for width and area for a building site;

12. a lot created after April 3, 1977 used solely for the installation of electric power, telephone, water supply, sewer service or other utility facilities of a similar or related nature except that any remaining lot which was not consistent with King County zoning, access or health requirements then in effect shall not be considered a separate lot by the county, and provided that after August 16, 1990 no more than four (~~(+4)~~) lots were created as a result of the division;

13. a lot created after April 3, 1977 by a partial fulfillment deed pursuant to a real estate contract except that:

i. the conveyed lot and any remaining lot which was not consistent with King County zoning, access or health requirements then in effect shall not be considered a separate lot by the county;

ii. only one (~~(+1)~~) lot within the original real estate contract shall be recognized as a separate lot until the property is subdivided or short subdivided; and

Separate Lot

Page 4

Effective Date: November 12, 1992

Document No. \_\_\_\_\_

Amended: April 20, 1995August 6, 1998 (Emergency)October 30, 1998March 18, 1999 (Emergency)June 16, 1999

iii. there shall be no reconveyance of any lot created by partial fulfillment deed without the property being subdivided or short subdivided; or

14. a lot created after July 29, 1983 pursuant to RCW 64.32 for which a residential condominium binding site plan was recorded in accordance with the provisions of K.C.C. 19.34.

D. To qualify as a separate lot under the categories listed in A, B or C above, the lot must have been consistent with applicable zoning, access, health and subdivision laws in effect at the time the lot was created.

**19-04-003 Evidence of Separate Lot.** A. The burden of proving that a lot was created as set forth in section 19-04-002 of these rules shall be upon any person claiming separate lot status.

B. Examples of ((A)) acceptable proof ((to the King County Department of Development and Environmental Services is limited to)) demonstrating consistency with separate lot definitions set forth in section 19-04-002 of these rules include the recording instrument for plats or short plats, King County approval for unrecorded subdivisions of four or fewer lots prior to July 1, 1974, a dated deed, a real estate contract, a letter or notice from King County recognizing a separate lot, or other reliable documentation determined by the Department to clearly ((demonstrating)) demonstrate that a parcel satisfies separate lot definitions set forth in section 19-04-002.

1. Tax statements and records, assessor maps, survey maps or other historical tax records alone shall not constitute acceptable proof, except where such records are the sole evidence issued to demonstrate lot creation, e.g. a tax record issued by the King County Assessor as evidence of segregation exempt from subdivision laws.

Separate Lot

Page 5

Effective Date: November 12, 1992

Document No. \_\_\_\_\_

Amended: April 20, 1995August 6, 1998 (Emergency)October 30, 1998March 18, 1999 (Emergency)June 16, 1999

i. Where a tax statement is relied upon to demonstrate separate lot and the tax statement shows a parcel as merged with other parcels, the Department will consider the parcels re-aggregated as a single lot unless the applicant provides acceptable documentation dated at the time of the merger demonstrating that the merger was initiated by the King County Assessor or property owner/taxpayer solely for convenience in assessment or payment of taxes on multiple lots, and was not intended to abandon underlying separate lots. Examples of acceptable documentation include a form or letter dated at the time of the merger from the assessor to the property owner/taxpayer or from the property owner/taxpayer to the assessor.

((1))2. Parcels described in a deed or real estate contract containing conjunctive legal descriptions will be recognized as separate lots only where the deed or contract communicates a clear intent that the parcels were to remain separate, e.g. "Lot 1 and Lot 2" or "Parcel A and Parcel B."

((2))3. For lots created prior to October 1, 1972 by deed or real estate contract, ((F)) the Department will consider parcels permanently re-aggregated where ((the current deed or real estate contract)) a subsequent deed or real estate contract dated prior to October 1, 1972 shows that the ((original)) parcels conveyed were merged ((with other parcels)) by legal description ((through subsequent conveyances)). New segregations of re-aggregated parcels may occur only in accordance with current state and county subdivision laws.

~~((3) Where a tax lot statement shows a parcel as merged with other parcels, the Department will consider the parcels re-aggregated as a single lot unless it is clearly demonstrated that the merger of parcels set forth in the tax statement was intended solely for tax reasons and was not intended to abandon underlying separate lots.))~~

Separate Lot

Page 6

Effective Date: November 12, 1992

Document No. \_\_\_\_\_

Amended: April 20, 1995August 6, 1998 (Emergency)October 30, 1998March 18, 1999 (Emergency)June 16, 1999

**19-04-004 Severability.** If a provision of the rules contained herein or its applicability to any person or circumstance is held invalid, the remainder of the provisions of these rules or the application of the provision to other persons or circumstances shall not be affected.